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Sent: Tue 9/13/2016 3:53:22 PM
Subject: Cross-Cutting Issues News for September 13, 2016



Cross-Cutting Issues

News for September 13, 2016

Bloomberg BNA Daily Environment Report™

NEWS

Budget

Obama, Congressional Leaders Close on Funding Resolution

Negotiations on a short-term funding resolution to avoid a government shutdown are going well, officials said....

Budget

Oregon Issued Improper Charges on Health: Inspector General

The Oregon state government skewed labor reporting linked to federal public health funding, resulting in a \$12.1 million discrepancy, the Environmental Protection Agency's watchdog said Sept. 12. ...

Climate Change

Environmentalists, EPA Dismiss Aircraft Emission Rule Suit

Environmentalists and the Environmental Protection Agency jointly asked a federal court to dismiss a lawsuit over regulation of greenhouse gas emissions from aircraft after the agency took the first step toward issuing a rule (Ctr. for Biological...

Climate Regulation

Former EPA Head: 'Despair' Over GOP Inaction on Climate

Lack of Republican action or urgency on climate change provokes "despair," a former head of the Environmental Protection Agency under President George H.W. Bush said Oct. 12 as he defended the agency's carbon regulations....

Climate Science

August Extends World's Hot Streak

The world is on a hot streak, literally. ...

Emissions Trading

EU to Decide Airlines' Carbon Market After Panel Deal

The European Union will decide about the exact emission-reduction rules for airlines only after the United Nations' aviation panel reaches a historic agreement on how to limit pollution from the industry next month....

Endangered Species

Groups Plan Lawsuit to Protect West Coast Whales From Fishing Gear

The Commerce Department's National Marine Fisheries Service is violating federal law by failing to prevent protected West Coast whales from becoming entangled in fishing gear, environmental groups said....

International Climate

Brazil Ratifies Paris Agreement to Fight Climate Change

Brazil ratified the Paris climate change agreement Sept. 12, becoming the 28th nation and among the largest to formally accept the global pact to curb greenhouse gas emissions....

International Climate

Carbon Capture Seen Competitive With Offshore Wind in U.K.

The U.K. could build facilities to capture and bury carbon pollution under the sea at a similar price to offshore wind farms and nuclear plants, a government adviser will say Sept. 12, setting out options for tackling climate change....

Oil & Gas

Work Halted on Dakota Access Oil Pipeline With Court Ruling

Work was halted on the Dakota Access pipeline near the Standing Rock Sioux Reservation in North Dakota under a temporary restraining order reinstated Sept. 12 by a federal judge (Standing Rock Sioux Tribe v. U.S. Army Corps of Eng'rs,,...

Risk Assessment

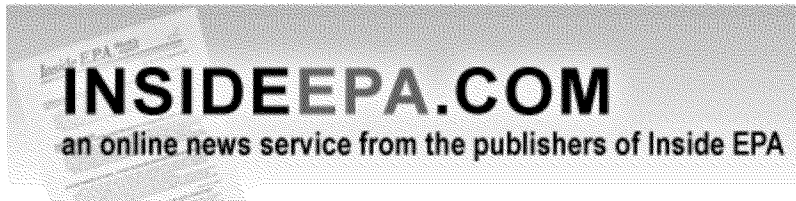
EPA Asbestos Review May Trigger Probe of Chlorine Industry

Chlorine manufacturers, which currently are the largest U.S. importers of asbestos, could have their use of the mineral reviewed soon if the Environmental Protection Agency selects asbestos as one of the first 10 substances it will analyze...

Risk Assessment

EPA to Make Industry Chemical Nominations Public

The Environmental Protection Agency will make public the names of the high-hazard chemicals that chemical manufacturers ask the agency to assess....



Inside EPA's **Risk Policy Report**, 09/13/2016

<http://insideepa.com/newsletters/risk-policy-report>

Latest News

EPA Asks D.C. Circuit To Preserve, Remand Boiler MACT Emissions Limits

EPA is asking the U.S. Court of Appeals for the District of Columbia Circuit to amend its ruling scrapping certain maximum achievable control technology (MACT) emissions limits for large industrial boilers for being too weak, saying the court should instead remand the limits to the agency without vacatur and allow it to revise them.

8th Circuit Rules EPA's CAFO Data Qualifies For FOIA Privacy Exemption

A three-judge panel of the U.S. Court of Appeals for the 8th Circuit has reversed a lower court's ruling that EPA's release of information about concentrated animal feeding operations (CAFOs) under the Freedom of Information Act (FOIA) does not constitute an invasion of privacy.

EPA Fights Bid For Trial In Coal Firms' Suit Seeking Air Rules 'Jobs' Review

EPA is making its final push to end without trial coal companies' suit seeking to force a sweeping review of how agency air and climate policies have affected jobs in the sector, saying there are no fact-bound disputes to resolve and urging a federal district judge to rule narrowly on whether it satisfied a Clean Air Act mandate to conduct such studies.

Corps To Review Tribal NEPA Consultation After Halting Dakota Oil Pipeline

The Army Corps of Engineers is pledging a "serious discussion" reviewing how it engages with tribes as part of the National Environmental Policy Act (NEPA) project review process, after halting approval for parts of the Dakota Access crude oil pipeline (DAPL) following protests from a tribe and others about inadequate consultation.

White House Adds Methane, Nitrous Oxides To Social Cost Of Carbon Tool

The White House has quietly added two new potent greenhouse gases (GHGs) -- methane and nitrous oxides (N₂O) -- to its social cost of carbon (SCC) metric, a move that will almost certainly bolster future regulations of the GHGs and environmentalists' efforts to block fossil energy and other high-emitting projects.

Greenwire

AGRICULTURE:

EPA violated privacy in CAFO data release — appeals court

Amanda Reilly, E&E reporter

Published: Monday, September 12, 2016

A federal court on Friday faulted U.S. EPA for releasing hundreds of pages of documents containing personal information of owners of livestock operations.

In a win for agribusiness groups, the 8th U.S. Circuit Court of Appeals found that personal contact information for concentrated animal feeding operations, or CAFOs, should have fallen under a Freedom of Information Act exemption for private data.

EPA's release of the data constituted a "clearly unwarranted invasion of personal privacy," Judge Steven Colloton, a Republican appointee, wrote for the court.

"EPA abused its discretion in deciding that the information at issue was not exempt from mandatory disclosure" under FOIA, Colloton wrote in the 18-page opinion issued Friday, which reverses a lower court's decision to dismiss the case.

Judge James Loken, a Republican appointee, and Judge Diana Murphy, a Democratic appointee, heard the case with Colloton. The court remanded the case to the district court to decide appropriate relief.

The lawsuit stems from FOIA requests filed in 2012 by Earthjustice, the Pew Charitable Trusts and the Natural Resources Defense Council seeking information that EPA gathered from state agencies on CAFOs.

The groups asked for much of the same information that EPA had proposed to gather in a CAFO reporting rule that the agency withdrew earlier that year. They wanted to use the information to assess EPA enforcement of Clean Water Act permits.

In response to the request, EPA in February 2013 released data to the environmental groups on CAFOs in 29 states, including names, locations and contact information.

The release of the information set off a firestorm of criticism from the agriculture community and its champions in Congress, and EPA agreed to investigate whether it had disclosed information that should have been exempt from FOIA (Greenwire, March 6, 2013).

But EPA bungled the response, twice having to recall data to redact more information (*Greenwire*, May 3, 2013). And while EPA found that some of the data raised privacy concerns, it also found that information from more than half the states didn't meet the FOIA exemption because the information was available on websites or could be made available to the public on request.

The American Farm Bureau Federation and the National Pork Producers Council filed a lawsuit in Minnesota district court in July 2013, challenging EPA's decision to release the information and seeking to halt the release of more data in response to additional FOIA requests.

The district court dismissed the case in 2015, finding that the agribusiness groups did not have legal standing to bring suit. The lower court did, however, halt EPA from responding to similar FOIA requests while the appeal was pending.

The 8th Circuit on Friday overturned the district court ruling, finding that the agribusiness groups had shown that the release of the data caused harm to CAFO owners that could be redressed by the courts.

The circuit also agreed with the Farm Bureau and NPPC that the data raised privacy concerns and that environmental groups could use the information to harass owners of livestock operations. Colloton noted that environmentalists already conducted air and ground investigations of CAFOs.

"The disclosure of such information would constitute a substantial invasion of privacy," Colloton wrote for the court, "because it would facilitate unwanted contact with CAFO owners by FOIA requesters and their associates, and even potential harassment of CAFO owners and their families."

Colloton also rebuffed EPA's arguments that the information was already publicly available for many of the states. He wrote that EPA acted as a clearinghouse of information, consolidating information that "would otherwise exist in considerably greater obscurity."

EPA released the data to environmental groups "on a silver platter, so to speak," he said.

"The EPA here is more than simply a second source for identical, publicly available information," Colloton wrote. "The agency has aggregated vast collections of data from the majority of states ... and provided it to requesters in a single response."

EPA argued that there was a public interest in releasing the information. But the 8th Circuit ruled that EPA's argument was "unconvincing" because the agency's disclosure of the personal data doesn't shed any light on its efforts to implement the Clean Water Act.

The NPPC today cheered the ruling.

"EPA's release of sensitive, private and personal materials on more than 100,000 farmers and ranchers was an outrageous abuse of its power and trust," NPPC President John Weber said in a statement. "We are very pleased with the Court of Appeals' decision to reinstate our lawsuit to prevent the EPA from doing this again."

[Click here](#) to read the court's opinion.

CLEAN POWER PLAN:

Voters in states suing EPA support rule — poll

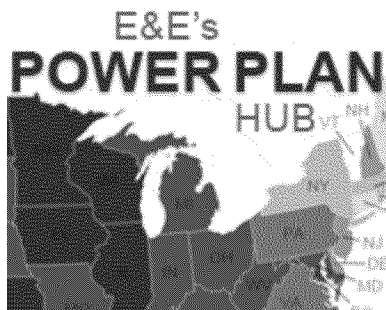
Hannah Hess, E&E reporter

Published: Monday, September 12, 2016

Two weeks ahead of oral arguments on legal challenges to the Clean Power Plan, backers of U.S. EPA's rule are touting support from voters in states suing to halt its implementation.

A survey found that 67 percent of registered voters in the 24 states challenging the rule said they favored the program for cutting carbon emissions, pollsters said during an event at the Brookings Institution in Washington, D.C., this morning.

Researchers with the University of Maryland School of Public Policy's Program for Public Consultation reached out to several thousand people around the country and in certain states between April 16 and June 10. The group Voice of the People backed the effort (*E&E Daily*, April 15, 2015).



The data showed a partisan divide. Forty-seven percent of Republican respondents favored the rule nationally. A slight majority of 52 percent opposed the plan. Among Democrats, 89 percent were in favor, as were 64 percent of independents.

The data showed that even among voters who work in the coal industry or have family members who do, 62 percent expressed support for the plan. The rule would have a particularly negative effect on coal power generation.

"Clearly the forces driving this lawsuit are not arising from public resistance to the Clean Power Plan," said Steven Kull, director of the Program for Public Consultation.

The in-depth national survey, which guided respondents through an online policymaking simulation, presented key arguments on both sides of the issue.

Arguments in favor of the Clean Power Plan focused on the importance of improving air quality and reducing greenhouse gases. Pollsters acknowledged a minor increase in the cost of electricity.

"These costs are minor compared to the effect of air pollution on people's health and the likely costs of rising sea levels, lost farmland, and more violent storms," they wrote. "Furthermore, this is a good investment because in the long run, more efficient methods and technologies will save us money."

In opposition to the Clean Power Plan, pollsters focused on the impact increased power costs would have on low-income people.

"And all these promises about the costs coming down in the future are just that — promises," they wrote. "It is really risky to assume these new methods and technologies are going to save money and, even if they do, whether the utility companies are going to really pass those savings on to consumers."

Republican and Democratic congressional staffers vetted the material, in addition to experts from EPA, the U.S. Chamber of Commerce, the World Resources Institute and the School of Public Policy.

After considering the statements, support for the plan increased to a bipartisan majority — rising to 61 percent among Republicans, 94 percent among Democrats and 78 percent overall — if the federal government were to make efforts to mitigate the effect on coal workers.

"People really care about the trade-offs involved in the policy design," said Adele Morris, policy director of Brookings' climate and energy economics project, who has advised Democratic presidential nominee Hillary Clinton on coal miner issues.

Morris said emphasizing the environmental benefits of the plan "can go a long way towards making people feel the investment is worth it."

Policy alternatives

The survey suggested two policy routes: providing support for coal industry workers who lose their jobs or helping industry sequester carbon emissions from coal power production. Helping workers was far more popular.

The Obama administration has proposed strategies for helping troubled coal mining communities. It has also backed research into technology to make coal cleaner. But critics say the investments from the White House and Congress have not been enough.

Like a similar survey released this spring, the new results showed bipartisan majority support for a variety of specific measures to reduce carbon dioxide beyond the Clean Power Plan ([Greenwire](#), May 4).

Between 73 and 78 percent of respondents backed tax credits for fuel-efficient lighting, doors, windows and insulation. They also supported building more energy-efficient homes and installing wind and fuel-cell technology. Among Republicans, 62 to 69 percent of respondents favored those strategies.

Bipartisan majorities favored requiring higher fuel efficiency standards for light cars, trucks and heavy-duty vehicles and requiring electric companies to have a minimum portion of their electricity come from renewable sources. Republican support for those strategies ranged from 56 percent to 57 percent. Among Democrats it was 84 to 89 percent.

The survey also found that 71 percent of registered voters approved of the Obama administration's involvement in the Paris climate agreement.

Among Republicans, a slim majority, 52 percent, approved, and 61 percent said the agreement was at least tolerable. Democrats and independents expressed strong backing for the Paris deal, 89 percent and 66 percent, respectively.

Concern about the effects of air pollution on public health appears to be driving support for reducing carbon emissions to an equal or greater extent than worries about climate change.

[Click here](#) to see the questionnaire with results.

PIPELINES:

Developers, opponents spar over need for Mid-Atlantic projects

Hannah Northey, E&E reporter

Published: Monday, September 12, 2016

Opponents of the Atlantic Coast and Mountain Valley pipelines — two natural gas pipelines that would snake along the East Coast — exchanged blows today with project developers over whether the region needs more gas infrastructure.

Central to today's debate is a report Cambridge, Mass.-based research and consulting firm Synapse Energy Economics Inc. prepared for the Southern Environmental Law Center and Appalachian Mountain Advocates, which was released today.

Synapse concluded after analyzing future demand and existing capacity that the two pipelines are not needed to ensure electric reliability in Virginia, North Carolina and South Carolina.

Even if the three states rely heavily on gas through 2030 and use up to 597 million cubic feet of gas during winter peak hours, Synapse said, existing lines, gas storage, the reversal of the Transco mainline pipeline and the 2018 WB XPress project will ensure there are "sufficient" supplies. The region would have up to 700 million cubic feet of gas at its disposal, Synapse concluded. The firm also faulted pipeline developers for failing to compare future gas production and pipeline capacity with the region's needs.

"In their proposals, the developers of these projects assert that subscription rates for pipeline capacity demonstrate the need for additional natural gas in the target region, but they fail to compare the region's existing natural gas supply capacity to its expected future peak demand for natural gas," the authors wrote.

The report arrives as the Federal Energy Regulatory Commission weighs the need for the projects. FERC is the lead agency for conducting environmental reviews of proposed interstate gas pipelines and considers whether there is a market need for new pipelines. In March, for example, FERC rejected the Jordan Cove LNG project, saying developers had not shown evidence the export terminal was needed (EnergyWire, March 14).

Synapse said its findings raise significant questions about the need for additional investment in new interstate natural gas pipelines in the region "and, more generally, the utility of pipeline subscription rates as justification for these projects."

But shortly after the report was released, Dominion shot back, saying the study was based on "seriously flawed assumptions and a fundamental misunderstanding of how natural gas is transported in the region." Dominion spokesman Aaron Ruby said in an email the report was prepared for groups that have long opposed the project and don't believe gas has a role to play in generating power in the United States.

Ruby in the email noted that Synapse acknowledged in its report that the amount of gas storage in the region is unknown, and Synapse should have analyzed periods of peak demand as opposed to annual averages of demand for gas. "The reality is, the amount of storage available is nowhere near what is required to meet the massive growth in demand for natural gas that we're seeing over the next 20 years," he said. Ruby called the report's findings "wishful thinking," adding that there isn't enough capacity to meet the projected increase in demand given that existing lines in Virginia's Hampton Roads and North Carolina are constrained and operating at capacity.

"It should come as no surprise then that they produce a report that questions the need for this project," he said. "Neither should it be surprising that they use flawed assumptions and incomplete information to reach a conclusion that supports their original position."

Dominion has argued the 550-mile-long Atlantic Coast pipeline is critical for supplying gas to the shipping and trade hub near Hampton Roads. The pipeline would ship gas from the Utica and Marcellus shale plays and run from Harrison County, W.Va., to Greensville County, Va., and then south into eastern North Carolina.

Developers of the Mountain Valley project said FERC fully vets the purpose and need of pipelines. EQT Midstream Partners, NextEra US Gas Assets, WGL Midstream and Vega Midstream MVP have proposed the 300-mile-long pipeline from northwestern West Virginia to southern Virginia. Natalie Cox, a spokeswoman for the Mountain Valley project, said a recent study by Wood Mackenzie conducted for developers shows that gas demand is forecast to increase enough to justify the project.

Yet hailing the report's findings as a win, pipeline opponents — the Southern Environmental Law Center, Appalachian Mountain Advocates and the Allegheny-Blue Ridge Alliance — gathered in Afton, Va., today to share the information and urge regulators to scrutinize the projects.

"We are sending this new report to federal regulators. We are no longer asking them to consider the least damaging path through our countryside. We are asking them to take a serious and informed look at these projects," Greg Buppert, a staff attorney at the Southern Environmental Law Center, said in prepared remarks. "We hope, with this information, they will come to the same conclusion. These pipelines are just not needed."

EPA:

Meet the IG's man on the hotline

Kevin Bogardus, E&E reporter

Published: Monday, September 12, 2016



EPA IG Special Agent Clay Brown. Photo by Kevin Bogardus.

Special Agent Clay Brown has two phones on his desk.

The U.S. EPA inspector general agent keeps one on the left for everyday office work. The other on the right, with black tape spelling out "HOTLINE," he picks up to hear from those wishing to report nefarious behavior at EPA.

"One thing is really fascinating — they call me just to see if really someone is going to answer the phone," Brown said in an interview. "Someone in the science office the other day called the hotline and said, 'We wanted to make sure this number really works,' and I said, 'Yeah, it works.'"

Brown, 54, essentially serves as the IG's first responder, the lone employee answering the watchdog's hotline.

Brown has held the job of hotline manager for about six years now. He has received thousands of phone calls, emails, voicemails and letters that have helped the IG office uncover fraud and waste at EPA.

"I consider it like triage," Brown said. "The complaint comes across my desk, I take a look at it, and then I got to figure out where it goes. I don't do any investigations, any audits or evaluations. I simply farm it out."

Those complaints do spur IG action. From April 2015 to the end of March this year, the inspector general took on 374 hotline tips for possible investigation or audit by its investigators, according to the watchdog's semiannual reports.

And they can result in big scores for the IG. Hotline tips initiated several investigations of the U.S. Chemical Safety Board, which ultimately led the board's chairman, Rafael Moure-Eraso, to resign in March last year.

Other complaints can help catch shenanigans by those on EPA's lower rungs of power.

An agency employee was fired in September 2015 for falsifying time and attendance records, thanks to one tip. Another warning called out an IG agent who had forgotten his or her gun in an EPA headquarters bathroom stall — detailed in a report obtained by *Greenwire* under the Freedom of Information Act (*Greenwire*, Feb. 22).

The hotline requires constant attention. Brown said he already had four calls during the day of his interview with *Greenwire*.

He begins each day by checking the hotline's voicemail as well as its email account for tips that have come in during off-hours. He also scours the mail, since complaints have arrived through anonymous correspondence.

Brown suggests sending him an unsigned letter if someone wants to blow the whistle but remain unknown. Mail with no admitted author, however, can make it more difficult for investigators to substantiate complaints since they can't pose follow-up questions to the tipster.

"That way, we get around the confidentiality or anonymous argument because specifically with complainants, if they truly want to be [what] I call unknown," Brown said, "you have to accept it on whatever the merits it comes in."

Once Brown receives a tip, he logs it, adding it to a database that he and other agents can review later. He also saves any material he receives, such as a letter, stashing it in a folder.

"I keep the stuff in file folders because sometimes it might have evidentiary value," said Brown, noting an

envelope could have DNA.



The U.S. EPA Inspector General's hotline, which tipsters call to clue in investigators about wrongdoing at the agency.
Photo by Kevin Bogardus.

Brown then reviews each tip and decides whether it falls in the EPA inspector general's jurisdiction. Though a complaint might be environmental in nature, that doesn't necessarily mean it concerns EPA. Brown often has to call other federal and state regulators, sometimes even local police chiefs, to find the right home for a complaint.

He receives a wide spectrum of grievances on the hotline — from asbestos to lead and mold — that can spike after a major scandal involving EPA becomes national news, such as the Gold King mine disaster or the Volkswagen emission-cheating scheme.

"We're killing all the bees, and that's EPA's fault," he said.

Some people contact him constantly; Brown has nicknamed them his "frequent fliers."

One person has sent reams of information to the hotline's mailing address concerning doctors' offices, including prescription scripts and magazine subscriptions. In one letter, he told Brown he lived in a dumpster, his correspondence proving that point.

Brown said he would get "packs of" mail from this person, "and it smelled really bad, too."

As a special agent, Brown will sometimes meet his sources in person. He recently had lunch with one confidential informant.

"They figure out who I am, and then they want to meet outside the building because they don't want anybody to see that they're talking to the IG's office," Brown said. "There's people that just want to drop the dime and they don't want anybody know that they're doing it."

Record as an investigator

Brown has a long history as a government auditor and investigator.

He was born in Memphis, Tenn., but moved several times as a child, spending time in Atlanta, Chicago and Orlando, Fla. In 1984, Brown graduated from the University of Central Florida with a degree in accounting.

Soon after, he was hired as a foreign field auditor for the Florida Department of Revenue. With the Sunshine State having no income tax, Brown and other auditors would check the books of major corporations based outside of Florida to make sure the state's sales and use taxes were being paid.

By 1987, Brown joined the federal government as an auditor in the Pentagon's inspector general office.

Brown found himself reviewing the numbers for some of the nation's biggest secrets as an auditor of "special access" or "black" programs.

"No one knows about them except when the funding goes through; it's blacked out," Brown said. "You're read onto the program and, like, one of the people is the secretary of Defense and the president. It was a very unique job."

Though exciting at first, the Defense Department's secrecy soon wore Brown down. "I really got kind of tired of doing it because, No. 1, you can never tell anybody about what you're working on," he said. So he applied for a job with the EPA inspector general and was hired in 1992.

Brown initially started as an auditor with the EPA IG. By 1996, he switched to being an agent, serving in EPA's Chicago office. He keeps that status today, complete with a service weapon and bulletproof vest.

Brown became skilled at sniffing out electronic crimes and helped investigate some of the agency's infamous porn cases, including the one involving Thomas Manning, the former EPA IT specialist who was sentenced to 30 months in prison for holding child pornography ([Greenwire](#), April 16, 2015).

Brown said the Manning case was "one of the worst ones I ever seen in my whole life."

Brown moved to Washington, D.C., in 2010 to take over the IG's computer forensics division. The hotline position, however, opened up, and Brown snapped up that job instead.

The Magic Kingdom

Before his more serious career, Brown's college days in Orlando afforded him a unique opportunity: to don the suit of a Disney character.

The special agent once played the part of Pluto as well as Goofy. Later, he was a tour guide at Epcot.

Despite children pulling on his tail when he was in costume, Brown said he learned much from "a fun job" at the theme park.

"Life lessons? Patience," said Brown, who had to smile at all times while on the job.

"If someone asked you where the bathroom is, and you might have been asked 500 times, but that's a first time they asked you where the bathroom is. Their first impressions are lasting," he said.

In addition, as a tour guide, Brown said he learned to shed his natural shyness.

"Before I started at Disney, I was very introverted, and by you sitting up and having to talk to people and do that, it brings you out of your own shell, and it made me a good public speaker," Brown said.

Those skills have come in handy as the EPA IG's man on the hotline. At times, Brown is confronted with callers who are at their wits' end. The special agent then needs to figure out what he can do, if anything, to help.

"That's probably, I would say, the most difficult part about the job is informing people of what we do and what we don't do," Brown said.

When Brown answers, people are shocked that someone has picked up the phone.

"Their government answered, their government's talking to them. And I'm the voice," Brown said.

NATIONAL PARKS:

Bishop questions NPS's authority to expand Yosemite

Corbin Hiar, E&E reporter

Published: Monday, September 12, 2016

House Natural Resources Chairman Rob Bishop (R-Utah) is questioning the legality of the National Park Service's move to enlarge Yosemite National Park in California.

Last week NPS gained 400 acres of meadows, cedars and ponderosa pines on the park's western side in Tuolumne County from private landowners Robin and Nancy Wainwright, who sold their property for \$2.3 million to conservation nonprofit Trust for Public Land, which then handed it over to the park ([Greenwire](#), Sept. 8).

But Bishop's staff is planning to request information from the Park Service on its legal justification for expanding Yosemite — a move that was opposed by the Tuolumne County Board of Supervisors, according to the local [Union Democrat](#) newspaper.

"NPS has authority to expand boundaries," committee Communications Director Parish Braden said in an email. "But the authority only applies if certain conditions are met."

Braden pointed to a [section](#) of the NPS legal code that seems to suggest the expansion was too large and valuable for Interior Secretary Sally Jewell, who oversees NPS, to add it without congressional approval.

The secretary's authority to change a park's boundaries applies when "the sum of the total acreage of the land, water, and interests in land or water to be added to the System unit ... is less than 200 acres," the law says.

Furthermore, Jewell can only expand parks when "the sum of the total appraised value of the land, water, and interests in land or water to be added to the System unit and the total appraised value of the land, water, and interests in land or water to be deleted from the System unit does not exceed \$750,000."

The committee also sent along a Dec. 9, 2015, [letter](#) from Yosemite Superintendent Don Neubacher to a Forest Service official in which he said the donation "may require Congressional legislation and other complications such as eventual boundary fencing." The Wainwright's land is interspersed with Forest Service property and has been used in recent years for livestock grazing — a practice that NPS generally bans in parks.

"We have no issue with the donation or the trust," Braden said. "We do take issue with NPS unilaterally changing the boundary."

But Tom Crosson, the Park Service's chief of public affairs, told *Greenwire* that "there is a misunderstanding of the law." According to Crosson, the provisions that the committee is highlighting only apply to property purchased using the Land and Water Conservation Fund — a six-decade-old conservation and recreation program that Bishop has sought to overhaul.

"These criteria do not apply to minor boundary adjustments that take place via donation," he wrote in response to questions about the committee's concerns, which were first reported by the Associated Press.

ENDANGERED SPECIES:

After blunder, FWS finalizes orchid protections

[Corbin Hiar](#), E&E reporter

Published: Monday, September 12, 2016



White fringeless orchid. Photo courtesy of USFWS

The white fringeless orchid is being added to the threatened species list, months after an administrative oversight delayed the rare flower's federal protections.

The flower — also known as the monkey-faced orchid — is likely to be on the brink in the near future due to development, logging, changing water flows, invasive species and climate change, the Fish and Wildlife Service said in a [notice](#) to be published in tomorrow's *Federal Register*.

Found only in small, isolated populations in five Southeastern states, the 2-foot-tall orchids grow in the soggy soils of bogs, marshes and forested swamps, as well as some utility or transportation rights of way.

The flower does not photosynthesize and depends on a symbiotic relationship with a specific fungus to provide nutrients. Although the flower can self-pollinate, it relies on just three types of butterflies for external pollinating.

FWS did not propose any protected habitat for the orchid because it said doing so could have put the species at risk of being targeted by flower collectors.

The agency first determined that the orchid was a candidate for Endangered Species Act protection in 1999 but declined to list it then due to other priorities. FWS eventually proposed federal protections for the flower last year (*E&ENews PM*, Sept. 14, 2015).

The only changes it made between then and today to the final rule were to tweak the distribution of the flower and elaborate on the conservation efforts of the Georgia Department of Transportation and Georgia Power Co., which have restricted mowing and herbicide use in an area off the highway in Chattooga County, Ga., where a population of orchids is known to exist.

The final listing was delayed for months because FWS had to reopen the comment period for the flower, due to its failure to run classified advertisements in newspapers where the orchids are found — an archaic provision of the ESA that has tripped up the agency twice in recent years (*Greenwire*, April 14).

Newspaper listing notices were eventually published in the *Asheville Citizen Times* of North Carolina; *The Birmingham News* and *The Huntsville Times* of Alabama; the *Chattanooga Times Free Press*, *Knoxville News Sentinel* and *Greeneville Sun* of Tennessee; the *Lexington Herald-Leader* of Kentucky; and the *Northeast Mississippi Daily Journal*.

The agency [received](#) 13 responses to the listing proposal, none of which came in during the second comment period after it ran the classified ads.

ENDANGERED SPECIES:

NMFS vows to create new shrimp regs in sea turtle settlement

[Cecelia Smith-Schoenwalder](#), E&E reporter

Published: Monday, September 12, 2016



Nickelodeon star Lilimar with some of the children who contributed to the 12,500 letters asking the Obama administration for action to protect sea turtles in June. Photo by Cecelia Smith-Schoenwalder.

The Obama administration agreed Friday to a settlement with advocacy group Oceana that will spur the creation of a new proposed rule to protect sea turtles from shrimp trawl nets in the United States.

Oceana filed the 2015 [lawsuit](#) in U.S. District Court for the District of Columbia, alleging that the Obama administration was violating the Endangered Species Act by allowing shrimp fishing in the Southeast to put endangered and threatened sea turtles species at risk of extinction, among other things.

"Year after year, the federal government allows tens of thousands of sea turtles to drown in shrimp trawl nets in the Gulf and Atlantic, in violation of federal law," Oceana campaign director Lora Snyder said in a statement. "Oceana is pleased that the Obama administration has finally recognized its responsibility to take action to recover these amazing and vulnerable creatures before it's too late, and we hope the rule will do just that."

Most shrimp boats have been required to use turtle exclusion devices since a 1987 National Marine Fisheries Service rule was released. These devices use metal gates to allow turtles to escape from shrimping nets. About 2,400 skimmer trawls, however, are exempt from the rule, according to Oceana.

The lawsuit, filed against the National Oceanic and Atmospheric Administration and Secretary of Commerce Penny Pritzker, pointed to loggerhead, green, leatherback, hawksbill and Kemp's ridley sea turtles as being neglected under the Endangered Species Act. In the suit, Oceana also said the government failed to determine whether sea turtles in the Southeast were at risk of extinction from shrimp fishing, didn't monitor fishing impacts on turtle populations and didn't set limits for sea turtle catches and kills.

Snyder said despite the threats to sea turtles, there is still a way to harvest shrimp. The Obama administration could, with its new regulations, create a win-win-win situation for the environment, consumers and fishermen, she said.

Oceana wants the new regulations to consider areas where sea turtles are present and to include bycatch caps for fisheries, Snyder said.

Earlier this summer, Oceana said the government had been testing improved turtle exclusion devices for shrimp boats that could reduce unwanted catches by 25 percent ([E&ENews PM](#), June 16).

A spokeswoman from NMFS did not respond to a request for comment before publication.

Under the settlement terms, a proposed rule is due by Dec. 15.

INTERIOR:

BLM releases Utah canyon ATV proposal

Published: Monday, September 12, 2016

The Bureau of Land Management on Friday released its draft environmental assessment for a proposed all-terrain vehicle trails system in a Utah canyon rich with archaeological artifacts.

San Juan County is applying for a right of way through and around Recapture Canyon, a flashpoint in rural Utah's discontent with federal land oversight.

BLM laid out six alternatives, falling on a spectrum from granting the 12-mile trails network to leaving in place the controversial ban of motorized travel.

"I have resources that have to be managed and laws and policy that have to be followed. I don't think it will bring satisfaction to everyone," said Don Hoffheins, BLM's Monticello field office manager.

Standing in the way of San Juan County are artifacts left by Native Americans over 800 years ago, along with river and wildlife habitat (Brian Maffly, [Salt Lake Tribune](#), Sept. 9). — **CB**

INVASIVE SPECIES:

Tegu lizards spread, threatening rare crocodile nests

Published: Monday, September 12, 2016

A South American reptile invading South Florida may be spreading even farther than researchers thought.

Four Argentine tegu lizards have been found in Florida Power & Light Co.'s cooling canals at Turkey Point Nuclear Generating Station since the spring. This could indicate the egg-eating species is moving east toward one of the nation's rare breeding grounds for American crocodiles.

Biologists first warned that the species could be invading marshes near Everglades National Park. The lizards eat nearly everything.

"They're not staying put. And the capture rates don't look like they're diminishing yet," said University of Florida biologist Frank Mazzotti, head of the school's tracking and trapping efforts.

Biologists worry that if the lizards continue to spread, the American crocodile nesting grounds could suffer.

Tegus first arrived in South Florida in about 2002 due to the exotic pet trade. Within a decade, scientists were warning the species could become an invasive threat (Jenny Staletovich, [*Miami Herald*](#), Sept. 9). — CS

FISHERIES:

Lobster prices reach 10-year high, reflecting a new normal

Published: Monday, September 12, 2016

North American lobster prices have reached their highest point in more than 10 years.

Analysts say the wholesale price of \$8.50 for a 1.25-pound hard-shelled lobster could become the new normal. While Asian demand and the ebb and flow of lobstermen's catch are reasons for the high price, perhaps the biggest is the rising demand across the country for processed products like lobster rolls and lobster macaroni and cheese.

"Lobster trucks are starting up in Los Angeles and places like that," said market analyst John Sackton. "I think, long term, there's going to be more of a shift where consumption of lobster is going to be predicated on processed products and less on live products."

U.S. lobstermen for the first time in 2009 caught more than 100 million pounds of lobster, and that amount has gone up every year since.

Maine, which has the country's largest lobster catch, is home to 15 firms that process millions of pounds of the crustacean's meat (Patrick Whittle, [*AP/Boston Globe*](#), Sept. 9). — CB

GULF OF MEXICO:

New oil spill hinders BP's restoration effort

Published: Monday, September 12, 2016

Around 5,300 gallons of oil leaked onto a barrier island in the Gulf Coast last week, hampering BP PLC's restoration efforts on the island.

The oil giant had put forward \$36 million to clean up Louisiana's Chenier Ronquille barrier island following the 2010 Deepwater Horizon oil disaster.

But on Sept. 5, an excavating marsh buggy severed a pipeline in Barataria Bay, leading to a new crisis for the island.

Photos of the spill were released by environmental group Vanishing Earth, which had flown over the spill site in a SouthWings Inc. plane.

SouthWings, an aviation company promoting conservation, regularly provides flights to document oil spills in the Gulf of Mexico.

The Coast Guard stated Friday that 170 workers, 33 boats and over 12,000 feet of hard-boom had been deployed to Chenier Ronquille, but it failed to mention that the island had been newly polluted.

The Coast Guard did say 200 birds had been oiled.

"Response crews are working to safely capture the oiled wildlife for rehabilitation," the unit said.

Migratory bird species regularly nest on the island.

BP has set aside \$5 billion for restoration in Louisiana following the 2010 spill (Mark Schleifstein, New Orleans Times-Picayune, Sept. 9). — **GD**

WILDLIFE:

Dolphins have conversation 'just like two people'

Published: Monday, September 12, 2016

Scientists have recorded two dolphins having a conversation for the first time.

Researchers at the Karadag Nature Reserve in Feodosia, Russia, used an underwater microphone to capture audio of two Black Sea bottlenose dolphins talking to each other in a pool. The creatures would alter the volume and frequency of pulsed clicks to form "words." One dolphin would listen to a "sentence" without interruption, and then would reply.

"This language exhibits all the design features present in the human spoken language, this indicates a high level of intelligence and consciousness in dolphins, and their language can be ostensibly considered a highly developed spoken language, akin to the human language," said lead researcher Vyacheslav Ryabov (Sarah Knapton, London Telegraph, Sept. 11). — **CB**

WILDLIFE:

Scientists race to save frog populations ravaged by fungus

Published: Monday, September 12, 2016

A deadly fungus that has contributed to the extinction of 200 species of frogs has spread to Sierra Nevada, Calif., killing thousands of frogs.

Scientists are turning to an experimental treatment to fight the fungus: immunization.

They are trying now to save the endangered mountain yellow-legged frog, which is found only in California's alpine lakes. The population has suffered greatly from the fungus and nonnative trout. More than 90 percent of the population has died.

"When it hits, it's within weeks that they're just gone, just literally gone," said Jessie Bushell, director of conservation at the San Francisco Zoo.

By exposing the frogs to small amounts of the fungus, Bushell and other scientists hope to save the species.

"It's the best chance that we know how to give them," said Roland Knapp, a biologist with the University of California, Santa Barbara (Lauren Sommer, NPR, Sept. 10). — **CS**

WYOMING:

Chronic wasting disease kills many deer annually — study

Published: Monday, September 12, 2016

Chronic wasting disease caused a 10 percent decline annually in a Wyoming herd of white-tailed deer, according to researchers with the University of Wyoming.

In a new study, researchers express concern over the finding as there is no effective management for infected deer populations.

"The take-home is: Prevent CWD from getting into new populations, because once it gets established we really have no way of handling the disease," said Dave Edmunds, a graduate student at University of Wyoming.

CWD is not known to have a negative effect on humans, but the white-tailed deer is one of the most hunted animals in North America.

Despite the study's findings, a Wyoming Game and Fish Department officials said the deer populations were doing fine.

"Saying CWD is affecting the white-tailed deer population is probably overexaggerating," said Scott Edberg, deputy chief of the wildlife division (Arno Rosenfeld, *Billings Gazette*, Sept. 9). — **CS**

SCIENCE:

Scientists name parasite after Obama

Published: Monday, September 12, 2016

Last week, biologists named a new genus and species of flatworm after President Obama.

Baracktrema obamai is a parasite that is fatal to turtles.

The naming is meant to honor the president, not disparage him, scientists said.

The recently discovered species is the width of a human hair and infiltrates the lungs of freshwater turtles in Malaysia.

Thomas Platt, who recently retired from St. Mary's College, discovered and named the creature.

"I have named a number of species after people I admire, from my father-in-law, my Ph.D. adviser, and good friends who are academics and/or amateur naturalists," Platt said. "*Baracktrema obamai* will endure as long as there are systematists studying these remarkable organisms."

The president's name also adorns a lichen, an extinct lizard, a spider species and another parasite (Sarah Kaplan, *Washington Post*, Sept. 9). — **GD**

PIPELINES:

Stretch of land off-limits to Dakota Access this week — court

Ellen M. Gilmer, E&E reporter

Published: Monday, September 12, 2016

A 2-mile section of the Dakota Access pipeline route near tribal lands will remain off-limits to developers until Friday as supporters and opponents grapple with the Obama administration's unprecedented intervention in the dispute last week.

The U.S. District Court for the District of Columbia this morning reinstated the terms of a temporary restraining order that allows construction to continue on a portion of North Dakota private land where a tribal specialist says he recently uncovered evidence of a burial ground (*EnergyWire*, Sept. 7). But the order blocks activity on an adjacent section that stretches toward Lake Oahe, a dammed section of the Missouri River just a half-mile upstream from the Standing Rock Sioux Tribe's reservation.

Construction beneath and immediately surrounding Lake Oahe is also not permitted, thanks to an eleventh-hour move by the Obama administration to withhold approval for an easement there. In a statement last week, the Army Corps of Engineers said it would hold off on permitting until it could determine whether the proposal needed closer review to comply with the National Environmental Policy Act and other laws (*E&ENews PM*, Sept. 9).

The district court, meanwhile, declined to grant a preliminary injunction blocking construction on the length of the pipeline. The Standing Rock Sioux and the Cheyenne River Sioux Tribe, interveners in the case, immediately appealed that decision to the U.S. Court of Appeals for the District of Columbia Circuit and asked the district court to freeze construction within 20 miles of Lake Oahe in the interim. The Obama administration has called for a voluntary construction moratorium along that same stretch.

"While an agreement has been reached on a narrow area of construction for the next week, and while the U.S. administration has asked for a voluntary hold to construction activity within 20 miles of Lake Oahe, should construction resume, the last opportunity for the Tribes to vindicate their legal rights and safeguard sacred sites in the pipeline's corridor could be gone," the tribe said in a legal filing.

District Court Judge James Boasberg partially denied the request today but agreed to reinstate a narrow restraining order for the 2-mile section west of Lake Oahe. That area has been the heart of the recent uproar over the pipeline, where thousands of American Indians and their allies have been camped out to protest the pipeline for more than a month.

OIL AND GAS:

Peak oil is dead, if Google searches are any indicator

Published: Monday, September 12, 2016

Google searches for "peak oil" are close to zero, signaling a decline in a theory that once helped increase oil prices to almost \$150 per barrel.

The shale revolution has erased worries about a declining supply, with U.S. oil production now at a 40-year high. In fact, the Google search for "too much oil" has actually overtaken the query for "peak oil."

"As interest in shale-led supply peaks, then naturally interest in the old concern of 'Peak Oil' has all but disappeared after the surge in focus on this during the mid-2000s," wrote Bernstein analysts Oswald Clint and Mark Tabrett.

"When it comes to oil markets, short-termism remains rife," they said. "Shortly after oil prices started to fall, searches for oil inventories picked up and have only increased since. Oil demand related searches have increased over the same time but oil supply searches have hardly changed" (Tracy Alloway, [Bloomberg](#), Sept. 12). — **CB**

CALIFORNIA:

Rising seas threaten power plant — Coastal Commission

[Anne C. Mulkern](#), E&E reporter

Published: Monday, September 12, 2016

Sea-level rise threatens a future California power plant and the facility should be relocated, the California Coastal Commission said Friday.

The Coastal Commission voted to warn the state's Energy Commission about risks to the Puente Power Project, or P3, slated to be built in Oxnard, Calif., located about 35 miles south of Santa Barbara. The NRG Energy Inc. natural-gas-fired plant would replace the Mandalay Generating Station, which is shutting down because of California's 2010 rule requiring a shift away from "once-through cooling," a process that requires large amounts of seawater.

The power plant site covers about 36 acres in the northwest portion of Oxnard. It is bordered by sand dunes, a beach area and the Pacific Ocean to the west and is "located in a relatively low-lying area immediately adjacent to the shoreline," a Coastal Commission report to the Energy Commission said.



The site for the Puente Power Project covers about 36 acres in Oxnard, Calif. It is bordered by sand dunes, a beach area and the Pacific Ocean to the west. Map by E&E Publishing.

As a result, "the site may be subject to present and future adverse effects from flooding, sea level rise and tsunamis," the report said. "The P3 site could be essentially surrounded by floodwaters during an extreme storm in 2030," factoring in 8 inches of sea-level rise. "Most of the project site would be vulnerable by 2060," when 25 inches of sea-level rise is possible.

The sea-level-rise projections were based on modeling from Oxnard's flood hazard vulnerability assessment done last year. The commission report noted there are varying projections on sea-level rise.

The Coastal Commission's authority to intervene is limited. The state's Warren-Alquist Act gives the California Energy Commission sole permitting authority for locating or expanding power plants with capacity greater than 50 megawatts, including those in the state's coastal zone.

The Energy Commission, however, must consider recommendations from the Coastal Commission. If the Energy Commission rejects the advice, it must explain why. The Coastal Commission in its report listed several conditions it wanted the CEC to approve if it doesn't order a relocation for the plant. Those conditions include adding a stipulation that NRG would not be allowed to add a sea wall or other armoring later.

Energy Commission staff have said no alternate locations for the plant are workable. It also argues sea-level rise poses less of a threat than forecast in the Coastal Commission report. NRG said it believes the plant won't be in danger during its planned 30-year life.

During the Coastal Commission's meeting Friday, however, Bob Sarvey, a local activist who lives in nearby Tray, Calif., noted that the Mandalay plant at the same site has been running for longer than 30 years.

"The existing Mandalay plant has been there since 1950. It's been there 66 years," Sarvey said. "So

anyone who thinks that in 30 years, this plant's just going to come down, I don't think that's reasonable."

Michael Carroll, an attorney at Latham & Watkins who spoke for NRG, quoted from the Coastal Commission's staff report that said the flooding analysis was based on a "highly conservative approach to modeling coastal erosion" that "makes very conservative assumptions about the amount of dune erosion that could occur" and "should be considered a worst-case scenario due to its extreme treatment of the erosion potential at the site."

"We believe the flooding risk is low over the life of the project and certainly does not provide a justification for moving the project to an alternative site," Carroll said.

Chris Williamson, principal planner for Oxnard, defended the city's sea-level-rise projections.

"Yes, our study was conservative, because that's what we're supposed to do," Williamson said. "If anything, the science is trending toward more sea-level rise in the future."

He warned that at some point, NRG will seek to protect the location from rising water.

"I can guarantee they're going to come back some day and ask to armor that dune," Williamson said.

RUSSIA:

Masked men attack Greenpeace activists

Published: Monday, September 12, 2016

Environmental group Greenpeace says campaigners in southern Russia have been assaulted by masked men with pistols, truncheons and knives.

The men attacked an encampment, breaking one activist's ribs and another's nose.

The attackers' motives are unknown. However, Greenpeace Russia has often traded barbs with the government over environmental issues and attempted to shut down an Arctic oil drilling rig in 2013.

Recently, the group claimed that state officials were underreporting the size of wildfires by up to 80 percent.

Greenpeace Russia sends volunteers to fight fires across the country.

"The attackers climbed through a fence," said Grigory Kuksin, who chairs the group's firefighting project.

Spokeswoman Khalimat Tekeeva said such assaults were unprecedented.

"We've never faced incidents like this: a group of people attacking a group of Greenpeace activists," she said. "We work with lots of firefighting groups in different regions in Russia, and everything was OK" (Andrew Roth, *Washington Post*, Sept. 9). — **GD**

POWER PLAN HUB:

With 2 weeks to oral arguments, EPA rule events begin anew

Emily Holden and Rod Kuckro, E&E reporters

E&E Publishing: Monday, September 12, 2016

Clean Power Plan events are picking up this week as energy insiders look ahead to oral arguments in two weeks on the legal challenges to the rule.

Before lawyers face off before an en banc hearing at the U.S. Court of Appeals for the District of Columbia Circuit on Sept. 27, a number of groups are reviewing power-sector data and holding backgrounders on the court battles.

POWER PLAYS

Each Monday, **Power Plays** previews upcoming moves on the way to Clean Power Plan compliance and recaps the week's developments.

In Atlanta tomorrow, three of the main organizations that have been spearheading multistate talks on the regulation will hold a workshop to review electric-sector trends in the Eastern Interconnection. The Great Plains Institute, the Bipartisan Policy Center and Duke University's Nicholas Institute for Environmental Policy Solutions are hosting the event.

More than 200 people are expected to attend, including officials and regulators from a range of states, as well as industry representatives and nongovernmental organizations, said Michael Dowd, the air chief for Virginia's Department of Environmental Quality who will speak on an afternoon panel.

Dowd said the talks are useful even if the Clean Power Plan doesn't move forward in the face of legal challenges.

"There will eventually be carbon regulation, and the modeling that's being done now is addressing big picture items," Dowd said. "It's important as we address any broad options for carbon going forward in the coming years."

Dowd's boss, Gov. Terry McAuliffe (D), wanted to move forward on CPP planning, but the Virginia General Assembly passed a measure preventing spending on rule preparations. Still, Dowd said that prohibition "does not extend to keeping smart."

"We're following the modeling. We want to stay on top of what other people are thinking and what smart people are doing," Dowd said.

Panels will look at power-system modeling that shows the United States as a whole is largely on track to comply with the Clean Power Plan's aggregate goals.

Atlanta-based *EnergyWire* reporter Kristi E. Swartz will cover the workshop. A webcast is also available.

Today in Washington, D.C., the Brookings Institution will hold an event titled "Clean power: Public opinion, the courts and where we go from here."

Steven Kull, director of the Program for Public Consultation at the University of Maryland's School of

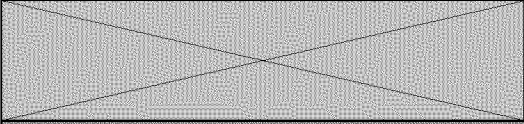
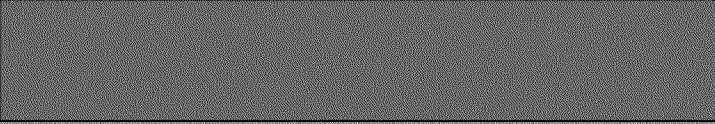

Public Policy, will present results of a new survey of public support for policies ranging from the CPP and carbon pricing to U.S. commitments under the Paris Agreement. Following his remarks, former EPA Administrator William Reilly will be among those discussing U.S. clean energy initiatives.

Tomorrow in D.C., the Federalist Society will host a "Clean Power Plan Goes to Court" discussion at the National Press Club. The [event](#) will have experts debate the arguments made in the various briefs and those expected at oral argument.

Participating will be David Bookbinder of Element VI Consulting; David Doniger, senior attorney for the Natural Resources Defense Council's climate and clean air program; Oklahoma Attorney General Scott Pruitt (R), who is suing EPA; and David Rivkin, a partner with Baker Hostetler LLP's D.C. office.

In case you missed it:

- Two former Obama administration officials went toe to toe last week, debating whether U.S. EPA has "gone overboard" with the president's signature climate rule. After the vigorous debate, an audience of students, academics and policy wonks gathered in an auditorium on George Washington University's campus and voted 25 percent that EPA had gone overboard, while 71 percent disagreed ([Greenwire](#), Sept. 8).
- Yvette Pena-O'Sullivan, assistant director for legislation and politics at the Laborers' International Union of North America, explains how the union's Clean Power Progress campaign is focused on state-by-state advocacy of natural gas infrastructure development to help meet the goals of the Clean Power Plan ([OnPoint](#), Sept. 8).
- Expected coal plant retirements in Michigan could make it relatively straightforward for the state to meet federal climate regulations, according to a study by the Electric Power Research Institute. The state is in "very good shape to comply" if the expected coal plant retirements go forward, said David Young, a principal author of the EPRI analysis ([ClimateWire](#), Sept. 8).
- Attorneys general from Republican-led states met with energy executives at West Virginia's Greenbrier resort less than two weeks before they filed a lawsuit last year aimed at halting EPA's rule for curbing greenhouse gases from power plants. The closed-door meetings took place last August at a four-day summit hosted by the Republican Attorneys General Association, according to an agenda obtained by a watchdog group using public records requests ([Greenwire](#), Sept. 7).
- The CEO of Missouri River Energy Services, which manages the electric generation and transmission for 61 rural communities spread across hundreds of square miles in Iowa, Minnesota, North Dakota and South Dakota, says his agency "can't just sit by and twiddle our thumbs and hope that the thing blows up," referring to the Clean Power Plan ([EnergyWire](#), Sept. 6).

			
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CLIMATEWIRE —Tue., September 13, 2016			
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1.ADAPTATION: <u>N.D. adapts to climate change, without saying it's real</u>			

WING, N.D. — Here in North Dakota, during the early days of summer, when the prairie smoke wildflowers bloom a dusky pink and ducks nest in grasslands green from spring rains under skies so vast and blue even the dreariest locales look dramatic, climate change can seem far away. Something is happening, though, and it's measurable: No state in the Lower 48 is warming faster than North Dakota.

TOP STORIES

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Murky methane findings complicate Obama's regulatory plan

3.FORESTS:

Urban trees are a 'phantom power plant'

PEOPLE

4.INTERNATIONAL:

From top of COP to advocate, Peruvian official joins WWF

CLEAN POWER PLAN

5.MARKETS:

PG&E CEO sees EPA rule boosting Western market

SCIENCE AND TECHNOLOGY

6.SPECIES:

Walleye could plummet in Wis. lakes due to warming

7.ARCTIC:

Open water in far north an 'eye-opener'

INTERNATIONAL

8.NATIONS:

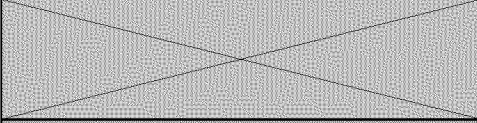
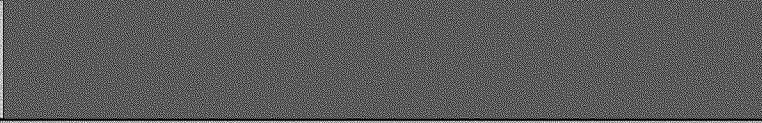

China's green car scandal snares 20 more manufacturers

9.ADAPTATION:

3 rare floods strike English city in 10 years

10.ARCTIC:

Northwest Passage could be trusted route by 2050

			
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<u>Midwest legislators find second careers as utility regulators</u>			
State utility regulators often exit their posts for jobs at utilities they oversee, raising eyebrows among critics. But a different, less controversial "revolving door" has become common in the Midwest these days, with former legislators winning appointments to state utility commissions.			
TOP STORIES			
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<u>Fossil fuels contributed to emissions spike — study</u>			
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'Rights of nature' heads back to federal court

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Advocates press Georgia Power to fulfill solar plan

6.GRID:

Texas needs to plan for coal phaseout — report

7.CLEAN POWER PLAN:

PG&E CEO sees EPA rule boosting Western market

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Cyber startup joins rush to secure control systems

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Fewer disposal wells to close in Okla. from quake

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Development threatens Colorado River fish — enviros

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Despite supply glut, crude disruption odds soar

12.NUCLEAR:

Iran begins building new reactor project

13.LIBYA:

Opposition commander seizes vital oil ports

14.PIPELINES:

Keystone XL lawyers gear up for another fight in Wis.

15.OIL:

Royal Dutch Shell-chartered vessel detained in Philadelphia

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